

CONSTRUCTION TRAINING PROGRAM REQUIREMENTS

Section 00840

The **City of Austin Construction Training Program (the “Program”)** is intended to train workers on City of Austin’s construction projects in order to develop a pool of qualified, ready-to-work skilled and semi-skilled construction workers. This training commitment is not intended and shall not be used to discriminate against any applicant.

Training Requirement. Establishment of the Construction Training Requirement for each project will be based on project scope, dollar amount, and opportunities available to achieve the training requirements. The requirements will be established either prior to solicitation, or during contract negotiations, using the criteria in Charts A and B. Program requirements will be subject to availability of Trainees and Graduates.

Chart A - Evaluation Criteria
<ol style="list-style-type: none"> 1. Material cost vs labor cost 2. Scope of work 3. Schedule of values (a comprehensive list of work for a particular project) 4. Project duration and schedule 5. Unique aspects of the project 6. Available training programs for the specific training plan 7. Workforce determined by the number of workers that will be on the project enough days to establish a training program.

Chart B – Construction Training Requirements	
Estimated Construction Cost	Apprentice/ On-the-Job Training (OJT) /Construction Ready (CR) Trainee Requirements
\$500K to \$2.5M	2 – Construction Ready Trainees*
Over \$2.5M to \$5M	4 - Construction Ready Trainees*
Over \$5M to \$10M	6 - Construction Ready Trainees*
Over \$10M (Significant Budget)	OJT/Apprentice/Graduate/Trainee Minimum 15%

*These requirements may also be satisfied by workers enrolled in or graduated from DOL registered/approved training programs.

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1. DEFINITIONS

1.1 *Apprentice* – a worker currently enrolled in a DOL-registered Apprenticeship Program.

1.2 *Apprentice Graduate* – a worker who can provide evidence of graduating from a DOL-registered Apprenticeship, DOL-certified Bilingual Training Program.

1.3 *Apprenticeship Program* – a work training program registered by the DOL and conforming to the requirements of 29 CFR 29-30.

1.4 *Capital Contracting Office (CCO)* – The City of Austin’s Office responsible for administering the Construction Training Program.

1.5 *City’s Approved Minimum Wage Rate* – a minimum wage rate established by the City of Austin for workers performing construction activities on City of Austin contracts.

1.6 *DOL or U.S. DOL* – United States Department of Labor

1.7 *Journeyman* – a fully-trained tradesperson, who may or may not be a union worker, and may or may not have completed apprenticeship training through a DOL-registered Apprenticeship Program.

1.8 *Trainee* – For the purposes of the City of Austin Construction Training Program, those individuals enrolled in or graduates of a DOL certified Bilingual Training Program or DOL Registered Apprenticeship Program.

1.9 *Training Plan* – a plan identifying how a contractor intends to meet its training requirement, subject to OWNER’s review and approval.

1.10 *Construction Training Program Training Report* – a form provided by the OWNER which documents the contractor’s training activities and trainee status.

1.11 *Vertical Construction Project* – a project which includes significant vertical structural components or buildings requiring building construction trades.

1.12 *Workforce* – the estimated number of full-time employees to be employed on the project and taking into consideration training opportunities.

2. TRAINING REQUIREMENT

2.1 For Vertical Construction Projects with a construction budget over \$10,000,000, a minimum of 15% of the Workforce must be current enrollees or Graduates of a U.S. DOL-registered Apprenticeship Program or DOL-certified Bilingual Training Program. Graduates must not satisfy more than half of the training requirement.

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2.2 Any Apprentices enrolled in a DOL-registered Apprenticeship program must be paid at least the percentage of the prevailing journeyman wage rate as specified in the Apprenticeship Program for that trade but may NOT be paid less than the City's Approved Minimum Wage Rate.

3. CONTRACTOR'S RESPONSIBILITIES

3.1 Prior to the issuance of the Guaranteed Maximum Price Notice to Proceed, the CONTRACTOR shall provide a Training Plan for OWNER's approval, listing the anticipated trades to be used. The plan shall specify how the CONTRACTOR intends to satisfy the contract requirement. The CONTRACTOR will have fulfilled its responsibilities under Section 00840 of the contract by having complied with the CONTRACTOR's Training Plan approved by the OWNER.

3.2 In the event that a CONTRACTOR subcontracts a portion of the contract work, CONTRACTOR shall determine if the requirements of the program will be assumed by the subcontractor. The CONTRACTOR should ensure that this training provision is made applicable to such subcontract; however, the CONTRACTOR shall retain the responsibility for meeting the training requirements imposed by this provision.

3.3 CONTRACTOR shall provide training in the construction trades. CONTRACTOR may pay a percentage of the prevailing wage rate for each trade as specified in the DOL-registered apprenticeship program, but not less than the City's Approved Minimum Wage Rate.

3.4 OWNER will provide a list of available DOL-registered apprenticeship and DOL-certified bilingual, training organizations. The CONTRACTOR shall contact those training organizations as needed in order to recruit workers for the program.

3.5 The Trainees may be distributed among the work classifications on the basis of the CONTRACTOR's needs and the availability of journeymen in the various classifications.

3.6 The CONTRACTOR shall submit a Training Report to OWNER for each Trainee no later than 30 calendar days after the Notice-to-Proceed. This Training Report must be submitted monthly thereafter for the duration of the project or to report no activity if applicable. This shall indicate work classification and graduation details, as well as training status changes. If a Trainee is terminated or resigns, the CONTRACTOR is required to make a reasonable effort to replace the Trainee within 30 calendar days.

3.7 For each trainee performing work on the project, the CONTRACTOR must submit to CCO the following:

3.7.1 evidence of enrollment in the appropriate training program,

3.7.2 completed Employee Certifications, as stipulated in Section 00830 (Wage Rates and Payroll Reporting), for each Trainee, and

3.7.3 summary of planned training for the enrollee from the training provider

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3.8 The CONTRACTOR must provide the Trainee a copy of the training program.

3.9 The Trainee(s) shall remain on the project as long as training opportunities exist or until the training is completed.

3.10 The allowable ratio of Apprentices to Journeymen in any craft classification shall not be greater than the ratio permitted to CONTRACTOR as stated in the registered Apprenticeship Program.

3.11 **CONTRACTOR's Reasonable Efforts to Comply.** The CONTRACTOR will be responsible for demonstrating the steps taken to meet the training requirement. If CONTRACTOR has fewer Apprentices and/or Apprentice Graduates employed on the project than specified in the Training Plan, the CONTRACTOR must submit evidence of recruitment efforts, including:

3.11.1 contacts made to OWNER for a current list of approved training providers

3.11.2 log of applicants contacted

3.11.3 log of training organizations contacted

3.11.4 documented outreach efforts made to all available training organizations (per current OWNER list) to satisfy the requirement

3.11.5 documentation of CONTRACTOR's recruitment efforts performed until program requirements are met or project is complete as part of the Construction Training Program Training Report

4. **NON-COMPLIANCE**

4.1 Lack of demonstrated reasonable effort to comply with the Construction Training Program will be reflected in the Contractor's Performance Evaluation and may impact the receipt of future business with the City of Austin.

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1. DEFINITIONS

1.1 *Capital Contracting Office (CCO)* – The City of Austin’s Office responsible for administering the Construction Training Program

1.2 *City’s Approved Minimum Wage Rate* – a minimum wage rate established by the City of Austin for workers performing construction activities on City of Austin contracts

1.3 *DOL or U.S. DOL* – United States Department of Labor

1.4 *Horizontal Construction Project* – civil construction, such as roads, bridges, and utilities

1.5 *Journeyman* – a fully-trained tradesperson, who may or may not be a union worker, and may or may not have completed a DOL-approved OJT Training Program

1.6 *Trainee* – For the purposes of the City of Austin Construction Training Program, those individuals enrolled in or graduates of a DOL-approved OJT Training Program

1.7 *On-The-Job-Training (OJT) Program* – a DOL-approved training program as described under 29 CFR 5.16

1.8 *Training Plan* – a plan identifying how a contractor intends to meet its training requirement, subject to OWNER’s review and approval

1.9 *Construction Training Program Training Report* – a form provided by the OWNER which documents the contractor’s training activities and trainee status.

1.10 *Workforce* – the estimated number of full-time employees to be employed on the project, taking into consideration training opportunities

2. TRAINING REQUIREMENTS

2.1 For Horizontal Construction Projects with a construction budget over \$10,000,000, a minimum of 15% of the Workforce are to be Graduates of or current enrollees in a DOL-approved OJT Training Program or DOL-certified Bilingual Training Program. Graduates must not satisfy more than half of the training requirement.

2.2 Any OJT Trainees enrolled in a DOL-approved training program must be paid at least the percentage of the prevailing journeyman wage rate as specified in the training program for that trade, but may NOT be paid less than the City’s Approved Minimum Wage Rate.

3. CONTRACTOR’S RESPONSIBILITIES

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3.1 Prior to the issuance of the Guaranteed Maximum Price Notice to Proceed, the CONTRACTOR shall provide a Training Plan for OWNER's approval, listing the anticipated trades to be used. The plan shall specify how the CONTRACTOR intends to satisfy the contract requirement. The CONTRACTOR will have fulfilled its responsibilities under Section 00840 of the contract by having complied with the CONTRACTOR's Training Plan approved by the OWNER.

3.2 In the event that a CONTRACTOR subcontracts a portion of the contract work, CONTRACTOR shall determine if the requirements of the program will be assumed by the subcontractor(s). The CONTRACTOR should ensure that this training provision is made applicable to such subcontract; however, the CONTRACTOR shall retain the responsibility for meeting the training requirements imposed by this provision.

3.3 CONTRACTOR shall provide training in the construction trades. CONTRACTOR may pay a percentage of the prevailing wage rate for each trade as specified in the DOL-approved training program, but not less than the City's Approved Minimum Wage Rate.

3.4 OWNER will provide a list of available DOL-approved training organizations. The CONTRACTOR shall contact those training organizations as needed in order to recruit workers for the program.

3.5 The Trainees may be distributed among the work classifications on the basis of the CONTRACTOR's needs and the availability of journeymen in the various classifications.

3.6 The CONTRACTOR shall submit a Training Report to OWNER for each Trainee no later than 30 calendar days after the Notice-to-Proceed. This Training Report must be submitted monthly thereafter for the duration of the project. This shall indicate work classification and graduation details, as well as training status changes. If a Trainee is terminated or resigns, the CONTRACTOR is required to make a reasonable effort to replace the Trainee within 30 calendar days.

3.7 For each trainee performing work on the project, the CONTRACTOR must submit to CCO the following:

3.7.1 evidence of enrollment in the appropriate training program,

3.7.2 completed Employee Certifications, as stipulated in Section 00830 (Wage Rates and Payroll Reporting), for each Trainee,

3.7.3 summary of planned training for the enrollee from the training provider

3.8 The CONTRACTOR must provide the Trainee a copy of the training program.

3.9 The Trainee(s) shall remain on the project as long as training opportunities exist or until the training is completed.

3.10 **CONTRACTOR's Reasonable Efforts to Comply.** The CONTRACTOR will be responsible for demonstrating the steps taken to meet the training requirement. If CONTRACTOR has fewer Trainees

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employed on the project than specified in the Training Plan, the CONTRACTOR must submit evidence of recruitment efforts. These shall include the following:

- 3.10.1 contacts made to OWNER for a current list of approved training providers
- 3.10.2 log of applicants contacted
- 3.10.3 log of training organizations contacted
- 3.10.4 documented outreach efforts made to all available training organizations (per current OWNER list) to satisfy the requirement
- 3.10.5 documentation of CONTRACTOR's recruitment efforts performed until program requirements are met or project is complete as part of the Construction Training Program Training Report

4. NON-COMPLIANCE

4.1 Lack of demonstrated reasonable effort to comply with the Construction Training Program will be reflected in the Contractor's Performance Evaluation and may impact the receipt of future business with the City of Austin.